



NOTICE AND AGENDA

SUNNYVALE CITY COUNCIL,
REDEVELOPMENT AGENCY MEETING,
AND ONIZUKA LOCAL REDEVELOPMENT AUTHORITY MEETING
TUESDAY, AUGUST 26, 2008
COUNCIL CHAMBERS, 456 W. OLIVE AVE.
SUNNYVALE, CALIFORNIA

5 P.M. SPECIAL COUNCIL MEETING (Closed Session)

City Council Closed Session

1. Call to Order in the West Conference Room (Open to the Public)
2. Roll Call
3. Convene to Closed Session – *The public may provide comments regarding the Closed Session item(s) just prior to the Council beginning the Closed Session. Closed Sessions are not open to the public.*
 - **Conference with Labor Negotiator pursuant to Government Code Section 54987.6; Negotiator: Erwin Young, Director of Human Resources; Employee Organizations: Sunnyvale Employees Association (SEA), and Service Employees International Union (SEIU) Local 715 (part-time employees)**
Location: West Conference Room
4. Adjourn Special Meeting

6 P.M. SPECIAL COUNCIL MEETING (Study Session)

City Council Study Session

1. Call to Order in the West Conference Room (Open to the Public)
2. Roll Call
3. Convene to Study Session – **A More Aggressive Approach to Code Enforcement**
Staff Contact: Christy Gunvalsen, (408) 730-7255
4. Public Comment
5. Adjourn Special Meeting

7 P.M. COUNCIL MEETING

NOTE: Pursuant to Government Code Section 54953, Subdivision (b), the following Council meeting will include teleconference participation by Councilmember Otto Lee from the Sheraton Denver Hotel, 1550 Court Place, Denver, Colorado 80202. This Notice and Agenda will be posted at the teleconference location; public comment from such address shall be allowed.

Pursuant to Council Policy, the City Council will not begin consideration of any agenda item after 11:30 p.m. without a vote. Any item on the agenda which must be continued due to the late hour shall be continued to a date certain. Information provided herein could be subject to change from date of printing of the agenda to the date of the meeting.

SALUTE TO THE FLAG

ROLL CALL

SPECIAL ORDER OF THE DAY – National Purchasing Institute Annual Achievement of Excellence in Procurement Award for 2008

CLOSED SESSION REPORT FOR AUGUST 25, 2008

Closed Session pursuant to Government Code Section 54957 – Public Employee Appointment.
Title: City Manager

CLOSED SESSION REPORT FOR AUGUST 26, 2008

Conference with Labor Negotiator pursuant to Government Code Section 54987.6; Negotiator: Erwin Young, Director of Human Resources; Employee Organizations: Sunnyvale Employees Association (SEA), and Service Employees International Union (SEIU) Local 715 (part-time employees)

PUBLIC ANNOUNCEMENTS

Each speaker is limited to three minutes for announcements of community events, programs, or recognition.

CONSENT CALENDAR

- 1.A. MOTION Approval of Draft Minutes of July 24, 2008
- 1.B. MOTION Approval of Information/Action Items – Council Directions to Staff

Fiscal Items

- 1.C. MOTION List of Claims and Bills Approved for Payment by the City Manager – List
RTC 08–254 No. 415

Staff Recommendation: Council reviews the attached lists of bills.

Staff Contact: Pete Gonda, (408) 730-7385

- 1.D. MOTION Investment and Cash Management Policy Update for Fiscal Year
RTC 08–256 2008/2009

Staff Recommendation: Council adopts Investment Policy for FY 2008/2009 as presented

Staff Contact: Therese Balbo, (408) 730-7604

- 1.E. MOTION Notice of Intent to Apply for, Accept, and Appropriate a Grant from the
RTC 08–243 Office of Traffic Safety in the Amount of \$42,700 for Seat Belt
Enforcement and Approval of Budget Modification No. 4.

Staff Recommendation:

- Council authorizes staff to apply for the Office of Traffic Safety Next Generation-Click it or Ticket Mini-Grant for overtime costs for special enforcement during program, November 2008 – September 2009;
- Council authorizes acceptance of the grant, if awarded, approval of Budget Modification No. 4, and appropriation of the monies to a new project to fund the associated overtime expenses.

Staff Contact: Heather Tannehill, (408) 730-7157

- 1.F. MOTION Notice of Intent to Apply for, Accept, and Appropriate a Grant from the
RTC 08-241 Office of Traffic Safety in the Amount of \$18,500 for Sobriety Checkpoints
and Budget Modification No. 5

Staff Recommendation:

- Council authorizes staff to apply for the Office of Traffic Safety Sobriety Checkpoint mini-grant monies; and
- Council authorizes acceptance of the grant, if awarded, approval of Budget Modification No. 5, and appropriation of the monies to a new project to fund the associated overtime expenses.

Staff Contact: Heather Tannehill, (408) 730-7157

Other Items

- 1.G. MOTION Approval of Final Map (Tract No. 10007, Sunnyvale Town Center) – A
RTC 08-242 Two-Lot Subdivision for Condominium Purpose by Target Corporation
and Downtown Sunnyvale Mixed Use, LLC

Staff Recommendation:

- Council approves final map for Tract No. 10007; and
- Council authorizes the City Clerk to sign the City Clerk's Statement accepting any public street and easement dedication on the map, to sign the Certificate of Abandonment and forward the final map for recordation upon: developer's signature and submittal of other documents deemed necessary by the Director of Public Works.

Staff Contact: Judy Chu, (408) 730-7413

**STAFF RESPONSES TO
PRIOR PUBLIC
COMMENTS**

Staff may provide further information or clarification for the community's benefit in response to public comments made at previous Council meetings. Staff will not necessarily respond to all public comments

PUBLIC COMMENTS

*This category is limited to 15 minutes (may be extended or continued after the public hearings/general business section of the agenda at the discretion of the mayor) with a **maximum of three minutes per speaker**. If your subject is **not** on this evening's agenda you will be recognized at this time; however, the Brown Act (Open Meeting Law) does not allow action by Councilmembers. If you wish to address the Council, please complete a speaker card and give it to the City Clerk. Individuals are limited to one appearance during this section.*

PUBLIC HEARINGS/GENERAL BUSINESS

*If you wish to speak to a public hearings/general business item, please fill out a speaker card and give it to the city clerk. You will be recognized at the time the item is being considered by Council. **Each speaker is limited to a maximum of three minutes. For land-use items, applicants are limited to a maximum of 10 minutes for opening comments and 10 minutes for closing comments.***

2. MOTION 2007-0346 Extension of Sustainable Building Requirements Beyond
RTC 08-255 Moffett Park (Study Issue)

Staff Recommendation: Council adopts the phased requirements and incentives, as amended by the Planning Commission, which address the need to institute sustainable development within the private sector.

Staff Contact Ryan Kuchenig, (408) 730-7431

3. MOTION 2008-0183: Appeal by the applicant of an application for related
RTC 08-239 proposals located at 795 Nisqually Drive (near Lewiston Drive) in an R-1 (Low Density Residential) Zoning District. Use Permit to allow two accessory utility buildings to be located between the face of the house and public street; Variance to allow side yard setbacks of 1' and zero lot line where 6' minimum is required.

Staff Recommendation:

- Council denies the appeal and upholds the decision of the Planning Commission; and
- Council denies the Use Permit and Variance.

Staff Contact Noren Caliva, (408) 730-7637

4. MOTION 2007-1302: Appeal by the Applicants of the Conditions of Approval
RTC 08-258 Imposed by the Planning Commission in Approving a Design Review to Allow a One- and Two-Story Addition to an existing single-story home. Application located at 1035 Daisy Court (near Smoke Tree Way) in an R-0 (Low Density Residential) Zoning District. (APN: 213-15-002)

Staff Recommendation: Council denies the appeal and upholds the decision of the Planning Commission to approve the Design Review with the conditions in Attachment B.

Staff Contact Mariya Hodge, (408) 730-7659

5. MOTION Expenditure of Public Funds for Bottled Water (Study Issue)
RTC 08-261

Staff Recommendation:

Council adopts policy to generally prohibit the purchase of bottled water for City-sponsored events and functions, public meetings, and/or department operations such as recruitment panels, recognition lunches and training sessions, with any necessary exemptions to comply with Cal-OSHA requirements and to allow for the purchase of single-serving bottled water for public safety emergencies, public safety offsite training and recreation and sports programs for children and youth as necessary;

Council includes language in the policy allowing the purchase of bottled water where no reasonable alternative exists, as deemed necessary by the City Manager.

Staff Contact: Pete Gonda, (408) 730-7385

6. MOTION Agreement with the California Public Employees Retirement System
RTC 08-259 (CalPERS) to Pre-Fund Other Post Employment Benefits (OPEB)
through the California Employers' Retiree Benefit Trust Fund

Staff Recommendation: Council adopts a resolution that: 1) approves an agreement and election to pre-fund Other Post Employment Benefits (OPEB) through CalPERS; 2) authorizes the City Manager to execute the agreement; and 3) authorizes the City Manager to take other actions required by CalPERS.

Staff Contact: Grace Leung, (408) 730-2711

7. MOTION Consideration of the Number of Councilmembers Needed to Support
RTC 08-252 Creation of a Study Issue Paper

Staff Recommendation: Council approves that a proposed study issue receive a majority support of Council in order for staff to prepare a study issue paper, and for the issue to be considered at the Council Study Issues Workshop; an action item to propose study issues would be added to Council agendas three to four times a year.

Staff Contact: Coryn Campbell, (408) 730-7475

8. MOTION Consider a City Co-Sponsorship of a Pet Parade
RTC 08-257

Staff Recommendation: None.

Staff Contact: Mayor Spitaleri, (650) 444-8379

NON-AGENDA ITEMS & COMMENTS

- Council
- Staff

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- Approved Minutes of Special Joint Meeting of Parks and Recreation Commission and Arts Commission of July 23, 2008
- RTC 08-260 Opportunity for Council to Appeal Decisions of the Planning Commission of August 11, 2008 and the Administrative Hearing of August 13, 2008
- Draft Minutes of Parks and Recreation Commission Meeting of August 13, 2008
- Summary Study Session Minutes – Supervisor Liz Kniss, District 5 Update
- Summary Study Session Minutes – VTA Governance Structure Issue

ADJOURNMENT TO THE REDEVELOPMENT AGENCY

REDEVELOPMENT AGENCY

ROLL CALL

PUBLIC ANNOUNCEMENTS

Each speaker is limited to three minutes for announcements of community events, programs, or recognition.

CONSENT CALENDAR

- RDA 1.A. MOTION Approval of Draft Minutes of Regular Meeting of June 24, 2008
RDA 1.B. MOTION Redevelopment Agency Investment and Cash Management Policy
RDA 08-003 Update for Fiscal Year 2008/2009

Staff Recommendation: Agency adopts the Investment Policy for FY 2008/2009 as presented.

Staff Contact: Therese Balbo, (408) 730-7604

**STAFF RESPONSES TO
PRIOR PUBLIC COMMENTS**

Staff may provide further information or clarification for the community's benefit in response to public comments made at previous Agency meetings. Staff will not necessarily respond to all public comments.

PUBLIC COMMENTS

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ADJOURNMENT TO THE ONIZUKA LOCAL REDEVELOPMENT AUTHORITY

ONIZUKA LOCAL REDEVELOPMENT AUTHORITY

ROLL CALL

CONSENT CALENDAR

- LRA 1.A. MOTION Approval of Draft Minutes of Regular Meeting of June 24, 2008

**STAFF RESPONSES TO
PRIOR PUBLIC COMMENTS**

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*please complete a speaker card and give it to the Authority clerk.
Individuals are limited to one appearance during this section.*

PUBLIC HEARINGS/GENERAL BUSINESS

*If you wish to speak to a public hearings/general business item, please fill out a speaker card and give it to the agency clerk. You will be recognized at the time the item is being considered by the Agency. **Each speaker is limited to a maximum of three minutes. For land-use items, applicants are limited to a maximum of 10 minutes for opening comments and 10 minutes for closing comments.***

2. MOTION Selection of Local Redevelopment Agency Executive Committee Members
LRA 08-003

Staff Recommendation: Authority selects a Chairperson and Vice-Chairperson for the Onizuka Local Redevelopment Agency (LRA) and selects one member for LRA Executive Committee to serve with the Chairperson and Vice-Chairperson for the LRA to constitute the three-member Executive Committee.

Staff Contact: Robert Switzer, (408) 730-7512

ADJOURNMENT

Notice to the Public:

The agenda reports to council (RTC's) may be viewed on the City's Web site at <http://sunnyvale.ca.gov> after 7 p.m. on Thursdays or at the Sunnyvale Public Library, 665 W. Olive Ave. as of Fridays prior to Tuesday City Council meetings. Please contact the Office of the City Clerk at (408) 730-7483 for specific questions regarding the agenda.

PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the public hearing or presented in writing to the Office of the City Clerk at or before the public hearing. PLEASE TAKE FURTHER NOTICE that Code of Civil Procedure section 1094.6 imposes a 90-day deadline for the filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure 1094.5.

Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the Office of the City Clerk at (408) 730-7483. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (29 CFR 35.104 ADA Title II).

GUIDELINES FOR ADDRESSING THE CITY COUNCIL

Public Announcement – Beginning of Council Meeting

- Three minutes or less per speaker.
- Speakers are requested to give their name (address is optional).
- Recognition of a special achievement.
- Announcement of public event with definite time and date.
- Public events that are of community-wide interest that occur on an annual basis. (only announce one time).

Public Hearing – Order of Hearing as Follows:

- Opening remarks by the applicant (if applicable) are limited to 10 minutes.
- Speakers are requested to give their name (address is optional).
- Speakers are to turn in a speaker card to the city clerk.
- Anyone interested in addressing the Council (may only speak one time).
- Closing remarks by the applicant (if applicable) are limited to 10 minutes.
- Time limit of three minutes per person (may be extended at discretion of mayor). Please make comments brief and be prepared to provide new input.

Public Comments

- Any item relevant to the City of Sunnyvale.
- Speakers are requested to give their name (address is optional).
- Speakers are to turn in a speaker card to the city clerk.
- Items not on the agenda.
- Items that do not fall within the scope of the public announcement section.
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Planning a presentation for a City Council/Planning Commission meeting?

To assist you in utilizing the technology available in the Council Chambers, the publication "*How to Make Your Council Chambers Presentation More Effective*" may be helpful. Copies are available on the tables located at the back of the Council Chambers prior to scheduled City Council and Planning Commission meetings. You may also pick up a copy at the Office of the City Clerk or visit the City's Web site at <http://sunnyvale.ca.gov>.

Planning to present materials to Council?

If you wish to provide the City Council with copies of your presentation materials, **please provide 12 copies of the materials to the city clerk** (located to the left of the Council dais). The city clerk will distribute your items to the Council.

SCHEDULED COUNCIL MEETINGS

DATE	MEETING	TIME	PLACE
August 25, 2008	Special Council Meeting – Closed Session	8 a.m.	The Grand Hotel
August 26, 2008	Council Meeting	7 p.m.	Council Chambers
September 9, 2008	Council Meeting	7 p.m.	Council Chambers
September 15, 2008	Personnel Board	5 p.m.	Council Chambers
September 16, 2008	Council Meeting	7 p.m.	Council Chambers
September 17, 2008	Special Council Meeting	8:30 a.m.	Community Center
September 30, 2008	Council Meeting	7 p.m.	Council Chambers
October 7, 2008	Council Meeting	7 p.m.	Council Chambers
October 14, 2008	Council Meeting	7 p.m.	Council Chambers
October 21, 2008	Council Meeting	7 p.m.	Council Chambers

OTHER SCHEDULED MEETINGS

August 25, 2008	Planning Commission Study Session	7 p.m.	West Conf. Room
August 25, 2008	Planning Commission Public Hearing	8 p.m.	Council Chambers
August 27, 2008	Administrative Hearing	2 p.m.	West Conf. Room
August 27, 2008	Housing & Human Services Commission	7 p.m.	West Conf. Room
September 3, 2008	Heritage Preservation Commission	7 p.m.	West Conf. Room
September 8, 2008	Planning Commission Study Session	7 p.m.	West Conf. Room
September 8, 2008	Planning Commission Public Hearing	8 p.m.	Council Chambers
September 8, 2008	Board of Library Trustees	7 p.m.	Library Prog. Room
September 10, 2008	Administrative Hearing	2 p.m.	West Conf. Room
September 10, 2008	Parks and Recreation Commission	7 p.m.	Council Chambers

CHANNEL 15 – KSUN

August 26, 2008	City Council Meeting – Live	7 p.m.
August 27, 2008	City Council Meeting – Replay of August 26, 2008	7 p.m.
August 31, 2008	City Council Meeting – Replay of August 26, 2008	4 p.m.
September 9, 2008	City Council Meeting – Live	7 p.m.
September 10, 2008	City Council Meeting – Replay of September 9, 2008	7 p.m.
September 14, 2008	City Council Meeting – Replay of September 9, 2008	4 p.m.
September 16, 2008	City Council Meeting – Live	7 p.m.
September 17, 2008	City Council Meeting – Replay of September 16, 2008	7 p.m.
September 21, 2008	City Council Meeting – Replay of September 16, 2008	4 p.m.
September 30, 2008	City Council Meeting – Live	7 p.m.
October 1, 2008	City Council Meeting – Replay of September 30, 2008	7 p.m.
October 5, 2008	City Council Meeting – Replay of September 30, 2008	4 p.m.
October 7, 2008	City Council Meeting – Live	7 p.m.
October 8, 2008	City Council Meeting – Replay of October 7, 2008	7 p.m.
October 12, 2008	City Council Meeting – Replay of October 7, 2008	4 p.m.
October 14, 2008	City Council Meeting – Live	7 p.m.
October 15, 2008	City Council Meeting – Replay of October 14, 2008	7 p.m.
October 19, 2008	City Council Meeting – Replay of October 14, 2008	4 p.m.
October 21, 2008	City Council Meeting – Live	7 p.m.
October 22, 2008	City Council Meeting – Replay of October 21, 2008	7 p.m.
October 26, 2008	City Council Meeting – Replay of October 21, 2008	4 p.m.